

STATE OF MICHIGAN  
COURT OF APPEALS

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MARCELLA SIEGEL and all others similarly  
situated,

UNPUBLISHED  
July 26, 2005

Plaintiff-Appellant,

v

CITY OF MUSKEGON,

No. 254683  
Muskegon Circuit Court  
LC No. 03-042792-CZ

Defendant-Appellee.

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Before: O’Connell, P.J., and Schuette and Borrello, JJ.

MEMORANDUM.

Plaintiff<sup>1</sup> appeals of right the trial court’s order granting summary disposition to defendant. Plaintiff’s complaint alleges that defendant imposed an illegal tax on her when it required her cable company to pay a five percent “franchise fee” in exchange for the opportunity to run cable along defendant’s rights of way. Because the franchise agreement at issue was executed on December 8, 1987, and plaintiff did not bring suit until November 18, 2003, the one-year limitations period found in MCL 600.308a(3) bars this action. *Morgan v Grand Rapids*, \_\_\_ Mich App \_\_\_; \_\_\_ NW2d \_\_\_ (2005) (Docket No. 255311).

Affirmed.

/s/ Peter D. O’Connell  
/s/ Bill Schuette

In concur in result only.

/s/ Stephen L. Borrello

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<sup>1</sup> Plaintiff Siegel was never granted class certification below, so the singular term “plaintiff” refers to her individually. Furthermore, because there is no class, our holding affects all the claims and disposes of the entire suit.